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Policies and Procedures

Title: Supervisory & Managerial Probationary Period

Number: 4332

Date: 1/7/94

Originating Office: Economics Management Staff

This Replaces: 3332 dated 7/16/81

Distribution: All Agencies

This P & P establishes policy for the probationary period requirement for newly appointed supervisors and managers. It also states procedures and assigns responsibilities for carrying out this

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1. Introduction

Newly appointed supervisors and managers who fill positions permanently, or temporarily for 1 year or more (if the position could become permanent), must serve a probationary period of 1 year. Senior Executive Service employees are not, however, covered by this P&P.

2. Purpose of the Probationary Period

The success or failure of agency programs depends to a large extent on the caliber of agency supervisors and managers. The probationary period gives new supervisors and managers a chance to develop the unique skills and abilities that cannot readily be taught or developed in other kinds of positions. Probationary periods provide agencies with opportunities to assess the new appointees' supervisory or managerial performance (not technical ability or program knowledge), and return them to nonsupervisory or nonmanagerial positions without undue formality should circumstances warrant. Through formal training and close supervision, agencies provide probationers with an understanding of good supervisory techniques and help them develop a capacity for effectively doing their new job.

3. The Probationary Period Process

Identification of Positions

The EMS Classification and Employment Branch (CEB) identifies supervisory and managerial positions subject to the probationary period requirement using the definition of "supervisory" and "managerial" contained in Federal Personnel Manual Chapter 315, Subchapter 9. CEB insures that (1) vacancy announcements include a statement about the probationary period for each position identified as supervisory or managerial, (2) all first-time appointed supervisors and managers are subjected to, and informed of the requirements of, a 1-year probationary period, and (3) employees are given credit for prior service which is creditable towards completion of the probationary period.¹

Orientation

¹EMS Personnel Division Internal Procedure 315.1 contains detailed internal procedures, forms, and instructions for notifying employees of the probationary period and crediting prior service for the supervisory and managerial probationary period.

Immediate supervisors will orient employees on agency policies and procedures and provide them with position descriptions and performance elements and standards within 30 calendar days of assignment to positions. With assistance from EMS's employee development specialists, immediate supervisors and probationary employees determine appropriate supervisory and managerial training courses to be included in Individual Development Plans (IDPs). Immediate supervisors should schedule formal training as early as possible in the probationary period.

The Probationary Period

During the actual probationary period, employees will participate in approved training, alert supervisors when they need help or training, and carry out their supervisory or managerial and other responsibilities to the best of their abilities. Immediate supervisors will evaluate and counsel employees on a continuing basis, informing them of their progress, deficiencies, and ways to improve. The Employee Services and Policy Development Branch will conduct follow-up interviews with employees' supervisors to determine the need for additional training or assistance.

Evaluation

At the beginning of the ninth month of the probationary period, CEB will send form AD-773, Supervisory or Managerial Probationary Report, to the employees' supervisors. Immediate supervisors will then evaluate employees and oversee the completion of the AD-773. The probationary period evaluation should not assess employees' technical knowledge unless it is directly related to supervisory or managerial performance. Branch chiefs and higher-level officials have delegated authority to determine satisfactory completion of the probationary period.

If it appears likely that employees will successfully complete probation, supervisors will follow procedures in Chapter 4 below. If it appears likely that employees will not successfully complete probation, supervisors will follow procedures in Chapter 5;

4. Satisfactory Performance

Immediate supervisors will complete the AD-773 no later than the end of the 10th month of the probationary period. They will then forward the AD-773 to the reviewing officials (branch chief or higher-level official) for review and signature. Immediate supervisors will provide probationary employees with a copy of the completed AD-773 and forward the originals to CEB. CEB will notify probationary employees of retention decisions, and will document the completion of probationary periods in employees' Official Personnel Folders.

5. Unsatisfactory Performance

When an evaluation reveals unsatisfactory supervisory or managerial performance, employees will be placed in nonsupervisory or nonmanagerial positions. If reviewing officials decide not to retain employees, they must consult with their division directors.

Supervisors may remove probationers at any time during the probationary period; however, they should allow sufficient time (about 6 months) for probationers to demonstrate satisfactory performance. Removal from positions and placement in nonsupervisory or nonmanagerial positions is not considered an adverse action, nor is it grievable under agency grievance procedures

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Procedures

Immediate supervisors recommend that employees return to nonsupervisory or nonmanagerial positions by completing the AD-773 and providing supporting reasons and documentation for such recommendations. Immediate supervisors will then forward the AD-773 to reviewing officials for review and recommendations. Reviewing officials should consult with division directors and make final decisions.

CEB will notify employees of their failure to satisfactorily complete the probationary period and of the positions to which they are being assigned. Reviewing officials will assist supervisors in placing employees in nonsupervisory or nonmanagerial positions. CEB will then document decisions in employees' Official Personnel Folders.

Rules Relating to Removal from the Position

Employees promoted to supervisory or managerial positions will be returned to positions no lower in grade or pay than the positions they held prior to promotion.

Employees concurrently serving probationary periods for initial appointment, and whose technical or program performance is acceptable, will be placed in nonsupervisory or nonmanagerial positions compatible with their technical skills.

Employees placed in nonsupervisory or nonmanagerial positions as a result of unsatisfactory performance are not entitled to grade or pay retention.

The waiting period for future within-grade salary increases for GS or equivalent pay system employees

removed from supervisory or managerial positions will begin on the date of the last equivalent increase received by employees. (Promotions to supervisory or managerial positions are not considered equivalent increases in these cases.)

Appeals

Although actions to return employees to nonsupervisory or nonmanagerial positions are not appealable or grievable, employees may file complaints in connection with actions which involve discrimination on the basis of race, color, religion, sex, national origin, physical handicap, or age (provided the employee is at least 40 years old as of the date of the alleged discriminatory action). See EAA Handbook hl711, "Discrimination Complaint System," for details.

Employees may file allegations of discrimination on the basis of marital status or partisan political affiliation with the U.S. Merit Systems Protection Board, if they are not serving a probationary period under 5 C.F.R. 315, Subpart H (probationary period for initial appointments). Appeals to the U.S. Merit Systems Protection Board must be filed no later than 20 calendar days after the action has been effected. The U.S. Merit Systems Protection Board may extend the time limit for good cause.

6. Probationary Period and Other Actions

Probationary Periods for Competitive Appointments

Employees may be required to serve both a probationary period for supervisory or managerial positions and a probationary period for initial appointment concurrently. Satisfactory completion of the probationary period for initial appointment fulfills the requirements of the supervisory or managerial probationary period, if employees are in supervisory or managerial positions for the entire probationary period.

Removal for Reasons Other than Performance

Nothing in this P&P prohibits taking action against employees for reasons unrelated to supervisory or managerial performance. Adverse actions based on conduct (during or after the probationary period) or unsatisfactory performance unrelated to supervisory or managerial duties are subject to the requirements of the adverse actions regulations.

7. Summary of Responsibilities

Immediate Supervisors

- Determine, with assistance from the Employee Services and Policy Development Branch, appropriate supervisory and managerial courses to be included in the IDP.
- Provide employees with position descriptions and performance elements and standards within 30 calendar days of assignment to the positions.
- Schedule formal training and evaluate and counsel employees on a continuing basis.
- Complete the AD-773 no later than the end of the 10th month of probation.

Probationary Supervisors and Managers

- Carry out their supervisory or managerial and other responsibilities to the best of their abilities.

Classification and Employment Branch, PD

- Identify supervisory and managerial positions subject to the probationary period requirement.
- Insure that all first-time appointed supervisors and managers are subjected to a 1 year probationary period.
- Advise employees by letter of the probationary period requirement and whether they successfully completed probation.
- At the beginning of the ninth month of the probationary period send the AD-773 to employees' supervisors for completion.
- Document the completion of the probationary period, or other action taken, in employees' Official Personnel Folders.

Employee Services and Policy Development Branch, PD

- Assist supervisors in identifying training needs and in the development of the IDP for newly appointed supervisors or managers.
- Conduct follow-up interviews with employees' supervisors to determine the need for additional training or assistance.